

REMARKS

By the above actions claims 1, 9, 10, 12 & 16 have amended. In view of these actions and the following remarks, reconsideration of this application is requested.

With regard to the rejection of claim 12 under 35 USC § 112, the antecedent basis problem has been rectified with respect to “the” end ring which is now referred to as “an” end ring. Therefore, withdrawal of this rejection is in order and is now requested.

Claims 1, 2, 9, 10, 13, & 16 have been rejected under 35 USC § 102 as being anticipated by the Blanchet patent application publication, while claims 3- 5 & 8 have been rejected under 35 USC § 103 as being unpatentable over Blanchet. These rejections are inappropriate for the following reasons.

First, Blanchet explicitly states that a force is exerted on the compression plate 4 by the compression assemblies 100A via the rods 3, thereby forcing the stack against the compression plate 5 (see, paragraph [0021], page 2, right column). Thus, the second compression plate 5 is stationary and the energy transmission means (called compression system 100 in Blanchet) does not transmit a first force to the first end plate in a direction toward the second end plate and a second force to the second end plate in a direction toward the first end plate (as is expressly recited in claims 1 & 16), because the compression plate 4 causes both end plates 8, 9 to be moved in the same direction when force is exerted by the compression system 100. This shows that the energy transmission means of the present invention substantially differs from the energy transmission means described in Blanchet. Thus, Blanchet can neither anticipate nor render obvious the claimed invention due to an absence of any disclosure, teaching or suggestion to elastically apply forces in opposite directions, not only in one direction.

Additionally, amended claim 1 now comprises the additional feature that the fuel cell arrangement comprises a housing to which the energy transmission means is elastically connected. This amendment is based on the disclosure in paragraph [0017] of the specification, thereby providing “a damping property which is especially advantageous in particular for mobile applications is transmitted to the entire arrangement.” This feature is also present in originally presented claim 16 which has been left unamended apart from correction in a reference number error, (i.e., 42 was erroneously transposed as 24). It is pointed out that, while the statement of

rejection includes claim 16, claim 16 is not specifically addressed by the Examiner, particularly the subject matter of claim 16 that “the fuel cell arrangement is connected to the housing (38) by way of an element (42) which is connected to the fuel cell stack (12) using elastic means.” No such elastic connection exists in Blanchet.

The present invention, thus, aims at using an energy transmission means with elastic means to provide a force not only pushing the first end plate into the direction of the second end plate, but also pushing the second end plate into the direction of the first end plate, which is in contrast to the device described in Blanchet, in which both end plates are pushed into the same direction by the compression plate and the compression system. Further, according to the present invention, the energy transmission means itself is elastically connected to the housing, providing a second elastic connection in addition to the elastic means of the energy transmission means. Accordingly, there is a damping effect present between the housing and the fuel cell stack. This is advantageous in particular, as quoted above, in the context of mobile fuel cell systems, since the fuel cell stack is protected against, e. g., vibrations transmitted from the outside.

Thus, Blanchet neither anticipates nor renders obvious the present invention so that the rejections based on Blanchet alone should be withdrawn and such action is requested.

Claims 6, 7, 11, & 12 have been rejected under 35 USC § 103 as being unpatentable over Blanchet when viewed in combination with the Barton et al. patent. This rejection is inappropriate not only because of the above indicated shortcomings of Blanchet, but also for the following reasons.

In particular, while Barton et al. describes the use of an elastic means (spring plate 70) on each end of tension member 60 to urge the end plates of a fuel cell stack toward each other (see, column 8, lines 53 to 62), they are completely silent on additionally using an elastic connection between a housing and the fuel cell stack.

Furthermore, a person of ordinary skill in the art would have had no reason to combine the teachings of Barton et al. and Blanchet. Blanchet explicitly teaches to arrange compression assemblies outside the housing of the fuel cell stack and away from any compression system that uses any compression component in the compression housing (see, e. g., paragraph [0047]). Thus, Barton et al.’s teachings are incompatible with the teachings of Barton et al., because

Barton et al. uses the very type of compression assembly arranged inside a housing that Blanchet expressly seeks to avoid (see, Fig. 1 of Barton et al.).

Thus, Barton et al. cannot render obvious the present invention no matter how it is viewed in conjunction with Blanchet since neither teaches additionally elastically connecting the stack with the housing and since combining of these two references would be contrary to the teachings of Blanchet. Accordingly, withdrawal of this rejection is also requested.

Claim 14 has been rejected under 35 USC § 103 as being unpatentable over Blanchet when viewed in combination with the Ballantine et al. patent application publication.

However, Ballantine et al. does not at all deal with the nature of an energy transmission means and its connection to a housing, but relates to a thermal management scheme. Thus, this document does not provide any information which could lead the person of ordinary skill in the features of the present invention noted above to be lacking in the disclosure of Blanchet and Barton et al. nor can it make up for the basic incompatibility of the teachings of the Blanchet and Barton et al. references noted above. Therefore, this rejection should also be withdrawn and such action is hereby requested.

While it is believed that the present application is in condition for allowance in the absence of the discovery of new and more relevant prior art, should any issue be found to be unresolved or should any new issue arise, and the Examiner believe that could be resolved and the prosecution advanced by discussing same with applicants' representative, then the Examiner is invited to contact the undersigned by telephone at the number indicated below.

Respectfully submitted,

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